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15 *Attorneys for Plaintiff, Dr. Tabia Lee*

16 **UNITED STATES DISTRICT COURT**

17 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

18 **TABIA LEE,**

19 Plaintiff,

20 v.

21 **THE FOOTHILL-DE ANZA**
22 **COMMUNITY COLLEGE DISTRICT,**
23 et al.,

24 Defendants.

Case No.: 5:23-cv-03418-NW

Assigned for all purposes to:

Hon. Noël Wise, Courtroom 3 – 5th Floor

**NOTICE OF MOTION AND MOTION TO BE
RELIEVED AS COUNSEL; DECLARATION OF
NEAL S. ZASLAVSKY, ESQ.; DECLARATION
OF MICHAEL THAD ALLEN, ESQ.;
DECLARATION OF TABIA LEE**

Hearing Date: May 21, 2025

Time: 9:00 a.m.

Dept. #: Courtroom 3 – 5th Floor

Complaint Filed: July 28, 2023

Trial Date: Not yet calendared

NOTICE OF MOTION

TO THE HON. NOËL WISE, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on May 21, 2025 at 9:00 a.m., or as soon thereafter as the matter may be heard in Courtroom 3, before the Hon. Noël Wise of the above-referenced court, located at 280 South 1st Street, San Jose, California, attorneys Neal S. Zaslavsky, Esq. and Michael Thad Allen, Esq., presently counsel of record to Plaintiff Tabia Lee, will and hereby do move this Court for an order permitting Messrs. Zaslavsky and Allen to withdraw as counsel for Tabia Lee, as Tabia Lee has terminated the services of both attorneys.

This Motion is brought pursuant to Civil L.R. 11.5 of the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California, and is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities, the declarations attached hereto, any and all relevant papers filed in this case, and upon such other further oral and documentary evidence and memoranda that may be presented to this Court.

Respectfully submitted,

**LAW OFFICE OF NEAL S. ZASLAVSKY,
A PROFESSIONAL CORPORATION**

By: /s/ Neal S. Zaslavsky, Esq.
Neal S. Zaslavsky, Esq.

MEMORANDUM OF POINTS AND AUTHORITIES

The Motion to be Relieved as Counsel (the “Motion”) is quite simple and straightforward. On March 10, 2025, Plaintiff Tabia Lee (“Dr. Lee”) advised counsel that she was terminating her relationship with them. See Declaration of Tabia Lee (“Lee Decl.”) at ¶ 1. Dr. Lee further advised counsel to “make no further representations, filings, or anything else on [her] behalf to any court or anyone.” Id. at ¶ 2.

After this notification, counsel to Dr. Lee conferred with her concerning this decision. Dr. Lee understands that she would either need to retain new counsel, or, alternatively, would need to proceed *pro se*. See Declaration of Neal S. Zaslavsky, Esq. (“Zaslavsky Decl.”) at ¶ 2; Declaration of Michael Thad Allen, Esq. (“Allen Decl.”) at ¶ 2. Messrs. Zaslavsky and Allen are obligated to follow Dr. Lee’s instruction that they no longer represent her.

At this time, Dr. Lee has not retained new counsel, and as such, will need to proceed *pro se* until such time, if at all, that she elects to retain new counsel. Notwithstanding Dr. Lee’s choice of whether to proceed *pro se* or with new counsel, she has made it clear that she does not wish for her current counsel to represent her. See Lee Decl. at ¶ 3.

It is axiomatic that “[a] client has a right to discharge a lawyer at any time, with or without cause” (Brandon v. Maricopa Cnty., 849 F.3d 837, 842 (9th Cir. 2017)) and has the right “to be represented by counsel of their own choosing.” DeGier v. McDonald's Corp., 76 F.R.D. 125, 127 (N.D. Cal. 1977). Furthermore, citing to 28 U.S.C. § 1654, Johns v. Cnty. of San Diego, 114 F.3d 874, 876 (9th Cir. 1997) provides that “[a] litigant in federal court has a right to act as his or her own counsel.”

Thus, because Dr. Lee has unambiguously discharged her current counsel, Messrs. Zaslavsky and Allen, and because Dr. Lee understands that she must either select new counsel of her choosing or proceed *pro se*, the Motion should and ought to be granted.

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Respectfully submitted,

**LAW OFFICE OF NEAL S. ZASLAVSKY,
A PROFESSIONAL CORPORATION**

By: /s/ Neal S. Zaslavsky, Esq.

Neal S. Zaslavsky, Esq.

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DECLARATION OF NEAL S. ZASLAVSKY, ESQ.

I, Neal S. Zaslavsky, Esq., declare as follows:

1. I am an attorney and principal at the Law Office of Neal S. Zaslavsky, a Professional Corporation, and I represent Plaintiff Tabia Lee in this action. I am over the age of 18 years old, not a party to this action, and I am a member in good standing of the Bar of this Court. I make this declaration based upon personal, firsthand knowledge and, if called upon, I could and would testify competently thereto.

2. On March 10, 2025, I was notified by Plaintiff Tabia Lee that she was terminating the services of both Michael Thad Allen and Neal S. Zaslavsky effective immediately. Dr. Lee's notification expressly directed us to take no further action whatsoever on her behalf.

3. Upon receiving this notification from Dr. Lee, Mr. Allen and I conferred with Dr. Lee concerning the consequences of this decision. I believe that Dr. Lee fully and completely understands that her two options are to proceed *pro se* or obtain successor counsel.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and understanding.

Executed this 20th day of March, 2025 in Los Angeles County, California.

By: /s/ Neal S. Zaslavsky, Esq.

Neal S. Zaslavsky, Esq.

DECLARATION OF MICHAEL THAD ALLEN, ESQ.

I, Michael Thad Allen, Esq., declare as follows:

1. I am an attorney and principal at Allen Harris PLLC, and I represent Plaintiff Tabia Lee in this action. I am over the age of 18 years old, not a party to this action, and my application to be admitted *pro hac vice* in this Court is pending. I am a member in good standing of the Bar of the State of Connecticut. I make this declaration based upon personal, firsthand knowledge and, if called upon, I could and would testify competently thereto.

2. On March 10, 2025, I was notified by Plaintiff Tabia Lee that she was terminating the services of both Michael Thad Allen and Neal S. Zaslavsky effective immediately. Dr. Lee's notification expressly directed us to take no further action whatsoever on her behalf.

3. Upon receiving this notification from Dr. Lee, Mr. Zaslavsky and I conferred with Dr. Lee concerning the consequences of this decision. I believe that Dr. Lee fully and completely understands that her two options are to proceed *pro se* or obtain successor counsel.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and understanding.

Executed this 20th day of March, 2025 in New London County, Connecticut.

By: 

Michael Thad Allen, Esq.

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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA -SAN JOSE DIVISION**

12 TABIA LEE,

13 Plaintiff,

14 vs.

15 THE FOOTHILL-DE ANZA
16 COMMUNITY COLLEGE DISTRICT,
DE ANZA COLLEGE, PATRICK J.
17 AHRENS, LAURA CASAS, PEARL
CHENG, PETER LANDSBERGER, LEE
18 LAMBERT, and GILBERT WONG, in
their official capacities; CHRISTINA
19 ESPINOSA-PIEB, in her official and
individual capacities; ALICIA CORTEZ,
20 LYDIA HEARN, LLOYD A. HOLMES,
and THOMAS RAY, in their individual
21 capacities,

22 Defendants.

Case No.: 5:23-CV-03418

DECLARATION OF TABIA LEE

DATE: March 18, 2025

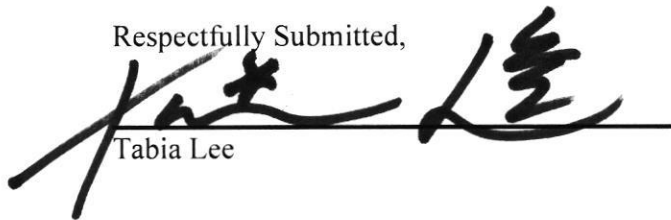
DECLARATION OF TABIA LEE CONCERNING DISCHARGE OF COUNSEL

I, Tabia Lee, being the Plaintiff in the above-captioned case declare and state the following:

1. On March 10, 2025, I communicated to my counsel who have represented me in this case and who have appeared before this Honorable Court, Neal Zaslavsky and Michael Thad Allen, that I terminated my relationship with them.
2. I have directed them to make no further representations, filings, or anything else on my behalf to any court or to anyone.
3. I exercise my right as the Plaintiff, as a client, and as a citizen to be represented by counsel of my choosing. That counsel is no longer Michael Thad Allen or Neal Zaslavsky.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 20 DAY OF MARCH 2025,

Respectfully Submitted,


Tabia Lee